

EXECUTIVE ORDER NO. 251

**MODIFIED ORDER INVOKING DISASTER POWERS PURSUANT TO THE
LOCAL DECLARATION OF DISASTER**

Pursuant to section 418.108 of the Texas Government Code, the County Judge may exercise the powers, on an appropriate local scale, granted the Governor in the Texas Disaster Act. Tex. Gov't Code Ann. §418.108 (Vernon Supp. 2007).

On June 10, 2010 at 3:00 p.m., Comal County received an Action Plan from Water Oriented Recreation District (W.O.R.D.) of Comal County and request for Modification of Executive Order No. 250, attached hereto and incorporated herein. W.O.R.D. is a statutorily created Park and Recreation District under Chapter 324 of the Local Government Code with authority to adopt reasonable rules and ordinances applicable to "activities that endanger the health and safety of persons or property on public water in the district" and "tenants, business privileges, concessionaires, users, and activities affecting district property and facilities, including hunting, fishing, boating, camping, tubing, swimming, and conservation of natural resources." Section 342.066 Texas Local Government Code. On June 10, 2010, W.O.R.D. employed contractors to remove both natural and man-made debris from the Guadalupe River to ensure safe recreational

use from Canyon Dam downstream to Bezdek's Rentals. W.O.R.D. staff has inspected campgrounds on River Road to ensure safe use by campers for the area of Canyon Dam downstream to Bezdek's Rentals. W.O.R.D. will assist Comal County with law enforcement stationed at O'Henry's Hideaway, the 4th Crossing of the Guadalupe River, and along the riverbank at Bezdek's Rentals to ensure no recreational use downstream and to limit traffic/access to portions of River Road downstream to persons authorized by local government officials to assist in the protection of the health, safety, or welfare of the public and for the provision of restoration and rehabilitation of persons and property affected by this disaster. W.O.R.D. has obtained permission and endorsement from all river outfitters and campgrounds along the affected stretch of river to comply with the proposed Action Plan and to assist in cleanup and/or emergency services. W.O.R.D. and the river outfitters commit to educate the public and campers along River Road of the Disaster Declaration, the Executive Orders, and Modifications to such for their health, safety and welfare.

The following shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated.

1. MOVEMENT OF PEOPLE AND OCCUPANCY OF PREMISES

(a) A person shall not remain or travel upon any public or private property in the following area(s):

River Road from O'Henry's Hideaway to the Hueco Springs Loop.

(b) A person shall not enter for any purposes including but not limited to recreational use the following area of the Guadalupe River:

Guadalupe River from Bezdek's Rentals downstream to the city limits of New Braunfels, Texas.

(c) Subsections (a) and (b) shall not apply to a person authorized by local government officials including property owners and their designated renters, persons to assist in the protection of the health, safety, or welfare of the public and persons authorized by local government officials for the provision of restoration and rehabilitation of property affected by this disaster.

Tex. Gov't Code Ann. §§ 418.001 - 418.018 (Vernon 1998), and Tex. Gov't Code Ann. §433.002(3) (Vernon Supp. 2007).

2. PENALTIES

These Orders shall take effect immediately and be duly filed with the County Clerk.

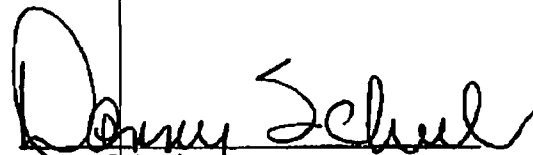
A person who violates any provision of a rule, regulation, or Order adopted under the Comal County emergency management plan commits a Class C misdemeanor, punishable by a fine of up to \$500.00. Tex. Gov't Code Ann. §418.108(i) (Vernon 1998).

In accordance with Section 418.108(i) of the Texas Government Code and Section 352.051 of the Texas Local Government Code, an affected party is entitled to injunctive relief to prevent the violation or threatened violation of a requirement or prohibition established by this Order.

3. EMERGENCY

This ordinance shall take effect immediately from and after its passage and publication, and it is accordingly so ordered.

DECLARED this the 11th day of June, 2010.


Danny Scheel
Comal County Judge